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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2010-474**

13 **DEBORAH JEAN FITCH**

691 W. Winthrop Ave.

14 Claremont, CA 91711

Registered Nurse License No. 275758

Public Health Nurse Advanced Certificate No. 24477

ACCUSATION

15 Respondent.

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19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
23 of Consumer Affairs (Board).

24 **Registered Nurse License**

25 2. On or about March 31, 1977, the Board issued Registered Nurse License No. 275758
26 to Deborah Jean Fitch (Respondent). The Registered Nurse License was in full force and effect at
27 all times relevant to the charges brought herein and will expire on March 31, 2011, unless
28 renewed.

1 Public Health Nurse Advanced Certification

2 3. On or about May 13, 1977, the Board issued Public Health Nurse Advanced
3 Certificate No. 24477 to Deborah Jean Fitch. The Public Health Nurse Advanced Certificate was
4 in full force and effect at all times relevant to the charges brought herein and will expire on
5 March 31, 2011, unless renewed.

6 JURISDICTION

7 4. This Accusation is brought before the Board under the authority of the following
8 laws. All section references are to the Business and Professions Code unless otherwise indicated.

9 STATUTORY PROVISIONS

10 5. Section 118, subdivision (b), provides that the suspension, expiration, surrender or
11 cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
12 action during the period within which the license may be renewed, restored, reissued or
13 reinstated.

14 6. Section 2750 provides, in pertinent part, that the Board may discipline any licensee,
15 including a licensee holding a temporary or an inactive license, for any reason provided in
16 Article 3 (commencing with section 2750) of the Nursing Practice Act.

17 7. Section 2764 provides, in pertinent part, that the expiration of a license shall not
18 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
19 to render a decision imposing discipline on the license. Under section 2811, subdivision (b), the
20 Board may renew an expired license at any time within eight years after the expiration.

21 8. Section 2761 subdivision (a)(4), provides that the Board may take disciplinary action
22 against a certified or licensed nurse for unprofessional conduct, which includes, but is not limited
23 to, "denial of licensure, revocation, suspension, restriction, or any other disciplinary action
24 against a health care professional license or certificate by another state or territory of the United
25 States, by any other government agency, or by another California health care professional
26 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
27 action."

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4. Taking such other and further action as deemed necessary and proper.

DATED:

3/29/10

Louise R. Bailey

LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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Exhibit A

**Department of Social Services
Stipulation and Waiver; and Order, CDSS No. 6208122001 and 6208122001B**

1 LEGAL DIVISION
2 Department of Social Services
3 Office of General Counsel
4 SHIRLEY D. RAMIREZ
5 Assistant Chief Counsel
6 NOAH ALLEN, State Bar No. 109503
7 Senior Staff Counsel
8 1000 Corporate Center Drive, Suite 670
9 Monterey Park, CA 91754
10 Telephone Number: (323) 981-3941
11 Facsimile Number: (323) 981-2799

12 Attorneys for Complainant

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BEFORE THE
DEPARTMENT OF SOCIAL SERVICES
STATE OF CALIFORNIA

In the Matter of:

CLAREMONT SHELTERED CARE
CENTER, INC.
650 S. Indian Hill Blvd.
Claremont, CA 91711

CDSS No. 6208122001
OAH No. L2008100645

DEBORAH JEAN FITCH

CDSS No. 6208122001B

STIPULATION AND WAIVER; AND
ORDER

Respondents.

RESPONDENTS CLAREMONT SHELTERED CARE CENTER, INC. (hereafter
"Claremont"), and DEBORAH JEAN FITCH (hereafter "Fitch") having obtained the
counsel of Curtis & Green, LLP have been fully advised of the charges of the
Accusation (License Revocation and Administrator Decertification) (hereafter
"Accusation") in this matter (a copy of which is attached hereto as Exhibit 1 and
incorporated herein by reference), and hereby enters into the following Stipulation with
the COMPLAINANT, JO FREDERICK, as a means of achieving a full and final
resolution of the Accusation in lieu of an evidentiary hearing and decision.

1 Respondents and complainant hereby stipulate and agree as follows:

2 1. FINDINGS: Respondents admit to the allegations in the Accusation and
3 agree that for purposes of this matter and all other matters between the Department and
4 the Respondents, the allegations of the Accusation are found to be true and to
5 constitute a legally sufficient basis to revoke Respondent Claremont's license and
6 Respondent Fitch's administrator's certificate.

7 2. REVOCATION OF ADMINISTRATOR'S CERTIFICATE: STAYED WITH
8 PROBATION: Respondent Fitch's certificate as an adult residential care facility
9 administrator is revoked upon the adoption by the Department as its Decision and Order
10 in this matter. The Order revoking the certificate shall be STAYED for forty-two months
11 during which time Respondent Fitch shall be permitted to act as a certified administrator
12 for the facility subject to the limitations and conditions identified in paragraph 3 below.

13 3. REVOCATION: STAYED WITH PROBATION: Respondent
14 Claremont's license to operate an adult residential facility located at 650 S. Indian Hill
15 Blvd., Claremont, California 91711 is revoked upon the Department's adoption of this
16 Stipulation and Waiver as its Order. The revocation of the license shall be STAYED, for
17 forty-two months during which time the Respondent Claremont shall be granted a
18 probationary license subject to the following limitations and conditions:

19 A. Respondents agree to operate the facility in compliance with the
20 regulations and statutes governing the operation of an adult residential care facility;

21 B. During the period of probation, the Department in its sole discretion
22 may conduct unannounced site visits for the purpose of determining whether there
23 is full compliance with the regulations and statutes governing the operation of an
24 adult residential care facility;

25 C. This Stipulation, Waiver, and Order shall be posted in a
26 conspicuous place at the facility for the duration of the probationary period;

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1 D. Respondents shall ensure that residents are administered only
2 medications that are prescribed by their treating physicians;

3 E. Within thirty (30) days of the effective date of this Stipulation
4 Waiver, and Order, Respondents shall employ a qualified pharmacist to review
5 resident medication records every 180 days and provide written certifications that
6 all medications are current;

7 F. Within thirty (30) days of the effective date of this Stipulation
8 Waiver, and Order, Respondents shall submit to the Department, for approval, a
9 written plan that describes how facility staff shall handle routine, urgent, or
10 emergency medical or psychiatric conditions of residents;

11 G. Within thirty (30) days of the effective date of this Stipulation
12 Waiver, and Order, Respondents shall submit to the Department, for approval, a
13 written plan that ensures that the each resident is observed daily;

14 H. Respondents shall ensure that person who is qualified to respond
15 to medical and psychiatric emergencies is on duty in the facility at all times;

16 I. Respondent shall ensure that the facility is clean, safe, sanitary and
17 in good repair at all times for the safety and well-being of residents, employees and
18 visitors;

19 J. Respondent shall not accept any resident with a restricted health
20 condition except persons diagnosed as insulin-dependent pursuant to Regulation
21 section 80092.8;

22 K. If Respondent chooses to care for resident with a restricted health
23 condition, Respondent shall develop and maintain, as part of the Needs and
24 Services plan, a written Restricted Health Condition Care Plan;

25 L. Within seven (7) days after the facility has been cited for a violation
26 of licensing regulations, Respondent shall provide a copy of each citation to the
27 board of directors of Claremont Sheltered Care Center, Inc.;

1. M. Within seven (7) days after the board of directors of Claremont
2 Sheltered Care Center, Inc. has met, Respondent shall provide a certified copy of
3 the minutes of each meeting of the board to the Department; and

4 N. Within seven(7) days of the effective date of this Stipulation Waiver,
5 and Order, Respondents shall retain Oran Reznik pursuant to the representations
6 made in letters by counsel for the respondents, Tom Curtis, dated March 3 and 6,
7 2009, (copies of which are attached hereto collectively as Exhibit 2 and
8 incorporated herein by reference),

9 4. FUTURE APPLICATION FOR A LICENSE, CERTIFICATION AND
10 TRUSTLINE REGISTRY:

11 A. Licensure and Certification: Respondents shall not apply for,
12 receive or hold any license or certification to operate any care facility licensed by
13 the Department of Social Services including but not limited to any community care
14 facility (CCF), certified family home (CFH), residential care facility for the elderly
15 (RCFE), residential care facilities for persons with chronic, life-threatening illnesses
16 (RCFCI) or child day care facility (CDCF) (as CCF, CFH, RCFCI, RCFE, and
17 CDCF are defined in sections 1502(a), 1506(d), 1568, 1568.01, 1569.2, and
18 1596.750 of the Health and Safety Code) other than the probationary license
19 issued herein, for a period of forty-two months from the effective date of the Order
20 adopting this Stipulation and Waiver. A new probationary license issued solely
21 upon a change of location is not prohibited by this paragraph.

22 B. TrustLine Registry: Respondent Fitch shall not apply for or be
23 registered as a TrustLine Provider as described in Health and Safety Code section
24 1596.60 et seq. for a period of forty-two months from the effective date of the
25 Order adopting this Stipulation and Waiver.

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1 C. Respondents understand and agree that the Department may deny
2 any application submitted after forty-two months from the effective date of the
3 Order adopting this Stipulation and Waiver, in whole or in part based upon the
4 findings in this Stipulation and Waiver. However, Respondents shall be entitled to
5 a hearing subject to the appeal on the denial of the license or administrator's
6 certification and the timely filing of a Notice of Defense after the Department has
7 served Respondents with a Statement of Issues.

8 5. COMPLETION OF PROBATION: If Respondents have successfully
9 complied with the terms of this Stipulation, at the end of forty-two months from the
10 effective date, the conditions imposed upon Respondents' license and administrator's
11 certification will expire and Respondents' license and administrator's certification shall
12 be granted or restored in full.

13 6. VIOLATION OF STIPULATION AND WAIVER TERM: Respondents
14 agree that violation of any of the terms of probation or any of the other terms of this
15 Stipulation shall constitute sufficient grounds for the revocation of the probationary
16 license and administrator's certification granted herein, the exclusion of Respondent
17 Fitch from employment, residence or presence in a licensed facility, and from having
18 contact with clients of a licensed facility. In such an event, Respondents shall be
19 entitled to an administrative hearing before the Office of Administrative Hearings on the
20 sole issues of whether there was a serious or substantial violation of a material term
21 and/or condition herein, and whether Respondents have caused and/or permitted such
22 a violation. Upon a finding that a condition or term of probation or any of the other
23 terms of this Stipulation was violated, the probationary license and administrator's
24 certification shall be revoked and Respondent Fitch shall be excluded from facilities
25 licensed by the Department. Respondents agree that valid service of an accusation to

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1 revoke the probationary license or administrator's certification provided herein may be
2 effectuated by certified mail at the address identified in paragraph 3 of this Stipulation or
3 at an address listed in a subsequently issued probationary license.

4 7. DEPARTMENT'S AUTHORITY: The fact that the Department may
5 decline or omit to take immediate disciplinary action for a violation of a condition of
6 probation or any of the other terms of this Stipulation does not constitute a waiver by the
7 Department of the right to raise that violation at a later date in a disciplinary proceeding
8 or in any other context. Respondents understand that nothing in this Stipulation is to be
9 construed to limit the authority of the Department to impose discipline for violations of
10 statutes and regulations applicable to Respondents. If any accusation seeking to
11 revoke probation is filed by the Department during the period of probation, then the
12 period of probation and the probationary terms shall be extended, if necessary, beyond
13 forty-two months and shall remain in force and effect until such time as the Department
14 issues a final Decision and Order on the accusation.

15 8. MONITORING FEE: Respondents understand that they must pay a
16 probation monitoring fee equal to the annual fee for the license during the period of
17 probation as required by Health and Safety Code Section 1523.1

18 9. WAIVER OF HEARING RIGHTS: The parties waive their rights to a
19 hearing in this matter, to present any evidence on their behalf and to cross-examine
20 witnesses testifying on the other party's behalf. The parties further waive their rights to
21 further discovery in this matter.

22 10. WAIVER OF APPEAL/MODIFICATION RIGHTS: Respondents waive
23 all rights of review arising out of this action or this Stipulation or the Order implementing
24 it, including but not limited to a petition for reinstatement, reduction of penalty, or
25 rehearing, writ of administrative mandamus, any other judicial or administrative review
26 or any other right or ability he/she may have to seek to have this agreement modified or
27 set aside on any grounds whatsoever.

1 11. WAIVER OF CLAIMS: The parties waive all known or unknown legal
2 actions or claims against each other, or their employees or agents that they may have
3 acquired or come to acquire arising out of this matter, with the following exceptions:

- 4 A. Civil penalties;
5 B. Monitoring fees; and
6 C. Any action arising out of an audit or other review to establish,
7 modify, preserve, enforce, or to recover an overpayment or to reimburse an
8 underpayment of public or private funds..

9 12. PUBLIC RECORD: This Stipulation is a public record as required by
10 section 11517(e) of the Government Code. It is accessible to the public pursuant to the
11 Public Records Act, section 6250 et seq. of the Government Code.

12 13. SIGNATURES: A facsimile of the signature page of this Stipulation will
13 bind the signing party or parties to the terms and conditions herein once any remaining
14 party or parties execute the document and once the Order is executed.

15 14. COUNTERPARTS: This Stipulation may be executed in counterparts.

16 15. EFFECTIVE DATE: This Stipulation and Waiver is effective on the date
17 on which the Department's Order adopting it is executed.

18 16. NO ORAL MODIFICATION: This Stipulation constitutes the entire
19 agreement between the parties with respect to the Accusation in this case. Moreover,
20 the terms of this Stipulation cannot be amended except in writing, signed by all the
21 parties thereto.

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From: Claremont
JUL-01-2007 06:02 PM
From: Claremont

03/12/2009 12:45 11628 P.002/002

P. 2

03/13/2008 09:48 #828 P.010/016

MRK 18 2008 07/26 FR CDSB LEGAL DIVISION 0 991 0400 10 18265854108 P. 26

In The Matter of Claremont Sheltered Care Center Inc. and Deborah Jean Fitch CDSB Case No. 0200123001-5

IT IS SO STIPULATED:

3-13-09

DATED

Deborah Jean Fitch
CLAREMONT SHELTERED CARE CENTER,
INC.
Respondent

3-13-09

DATED

Deborah Jean Fitch
DEBORAH JEAN FITCH
Respondent

3-16-09

DATED

Curtis & Green, LLP
CURTIS & GREEN, LLP

March 17, 2009

DATED

Noah Allen
NOAH ALLEN
Senior Staff Counsel
Attorney for Complainant

3/24/09

DATED

Jo Frederick
for JO FREDERICK, Complainant
Deputy Director
Community Care Licensing Division
Department of Social Services
State of California

DECISION AND ORDER

The preceding Stipulation hereby is adopted by the Department as its
Decision in this matter.

IT IS SO ORDERED THIS 26th DAY OF March, 2008.

Shirley D. Ramirez
SHIRLEY D. RAMIREZ
Assistant Chief Counsel
Legal Division

1 LEGAL DIVISION
2 Department of Social Services
3 Office of General Counsel
4 SHIRLEY D. RAMIREZ
5 Assistant Chief Counsel
6 NOAH ALLEN, State Bar No. 109503
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9 Monterey Park, CA 91754
10 Telephone Number: (323) 981-3941
11 Facsimile Number: (323) 981-2799

12 Attorneys for Complainant

13 BEFORE THE
14 DEPARTMENT OF SOCIAL SERVICES
15 STATE OF CALIFORNIA

16 IN THE MATTER OF:

17 CLAREMONT SHELTERED CARE
18 CENTER, INC.
19 650 S. Indian Hill Blvd.
20 Claremont, CA 91711

CDSS No. 6208122001
OAH No.

ACCUSATION
(License Revocation)

21 DEBORAH JEAN FITCH

CDSS No. 6208122001B

ACCUSATION
(Administrator Decertification)

22 Respondents.

23 JURISDICTION

24 1. This matter arises under the California Community Care Facilities Act,
25 Health and Safety Code section 1500 *et seq.*, which governs the licensing and
26 operation of adult residential facilities.

27 2. The regulations which govern the licensing and operation of adult
residential facilities are contained in California Code of Regulations, title 22, section
80000 *et seq.*, and section 85000 *et seq.*¹

¹ Subsequent references to any regulation section(s) are to Title 22 of the California Code of Regulations.

3. The California Department of Social Services (hereafter "the Department") is the agency of the State of California responsible for the licensing and inspection of adult residential facilities.

4. Administrative proceedings before the Department must be conducted in conformity with the provisions of the California Administrative Procedure Act, Chapter 5, Government Code section 11500 *et seq.*

5. Pursuant to Health and Safety Code section 1553, the Department may institute or continue a disciplinary proceeding against a licensee following the suspension, expiration, or forfeiture of a license.

6. Pursuant to Health and Safety Code section 1551(b), the standard of proof to be applied in this proceeding is the preponderance of evidence.

THE PARTIES

7. Complainant JO FREDERICK is the Deputy Director of the Community Care Licensing Division of the Department. Pursuant to Government Code section 11503, complainant files this Accusation (License Revocation and Administrator Decertification) (hereafter "Accusation") in her official capacity.

8. Respondent CLAREMONT SHELTERED CARE CENTER, INC., (hereafter "Claremont") is licensed by the Department to operate an adult residential facility at 650 S. Indian Hill Blvd., Claremont, California 91711 ("facility"). The facility was initially licensed on June 25, 2004. A copy of Respondent's most recent license setting forth the capacity, limitations, and effective dates accompanies to this Accusation as ATTACHMENT A and is incorporated by reference.

9. Respondent DEBORAH JEAN FITCH, a registered nurse, (hereafter "Fitch") is the owner and president of Claremont Sheltered Care Center, Inc. and is certified by the Department to be a residential facility for the elderly administrator and is employed by the licensee at the facility in that capacity. The Department certified Respondent Fitch on August 6, 2007. A copy of Respondent Fitch's most recent

1 certificate to be a residential facility for the elderly administrator and effective dates
2 accompanies this Accusation as ATTACHMENT B and is incorporated by this
3 reference.

4 10. Respondent Claremont, by virtue of licensure, must operate in
5 accordance with the statutes and regulations governing the licensing and operation of
6 adult residential facilities. Respondent Fitch by virtue of administrator certification must
7 comply with the statutes and regulations governing the certification of administrators
8 pursuant to Health and Safety Code section 1562.3. Copies of the applicable statutes
9 and regulations accompany this Accusation as ATTACHMENT C and are incorporated
10 by reference.

11 FACTUAL ALLEGATIONS

12 SUBJECT MATTER: PERSONAL RIGHTS; LACK OF CARE AND
13 SUPERVISION; HEALTH RELATED SERVICES;
14 OBSERVATION OF THE CLIENT; PERSONNEL
15 REQUIREMENTS; ADMINISTRATOR QUALIFICATIONS
16 AND DUTIES

17 APPLICABLE LAW: Health and Safety Code section 1550(a-c)
18 Regulation sections 80064(a) (3) and (6), 80065, 80072,
19 80075, 80078, 85075, 85078, 85075.4, and 85078

20 ALLEGATIONS:

21 11. On or about May 23, 2008, and for an unknown period of time prior to
22 this date, Respondents failed to prevent client # 1 from simultaneous treatment by
23 different psychiatrists that resulted in conflicting medication orders.

24 12. On or about March 18, 2008, and for an unknown period of time prior to
25 to this date, Respondents failed to observe and provide sufficient medical care and
26 services to client # 2 in that Respondents failed to monitor the blood level of said client,
27 who is diabetic.

1 13. On or about March 18, 2008, and for an unknown period of time prior to
2 this date, Respondents failed to provide sufficient medical care and services to client #
3 3 in that Respondents failed to monitor the weight gain of said client.

4 14. On or about, August 17, 2007 and August 18, 2007, after client # 4
5 complained of "shaking and being cold," Respondents failed to provide appropriate,
6 prompt, and/or emergency medical care for client # 4 in that Respondents delayed in
7 taking the temperature of said client.

8 15. On or about, August 17, 2007 and August 18, 2007, after client # 4
9 complained of "shaking and being cold," Respondents failed to provide appropriate,
10 prompt, and/or emergency medical care for client # 4 in that Respondents failed to
11 properly document or monitor the fever of said client.

12 16. On or about, August 17, 2007 and August 18, 2007, Respondents failed
13 to provide appropriate, prompt, and/or emergency medical care for client # 4 in that
14 Respondents improperly administered Tylenol to said client for her fever.

15 17. On or about August 17, 2007 and August 18, 2007, Respondents
16 improperly administered Tylenol to client # 4 that had been prescribed for another client.

17 18. On or about August 17, 2007 and August 18, 2007, and for an unknown
18 time prior to these dates, Respondents failed to provide appropriate, prompt, and/or
19 emergency medical care for client # 4 in that Respondents improperly administered
20 expired Albuterol to said client .

21 19. On or about August 17, 2007 and August 18, 2007, Respondent Fitch
22 either instructed facility staff to or failed to prevent facility staff from administering
23 Albuterol to client # 4, without a current order of said client's physician.

24 20. On or about August 17, 2007 or August 18, 2007, Respondents' staff
25 person Adriana Moreno improperly contacted Respondent Fitch instead of immediately
26 seeking emergency medical care for client # 4.

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1 21. On or about August 17, 2007 or August 18, 2007, Respondent Fitch
2 denied staff person Adriana Moreno's request to obtain immediate emergency medical
3 care for client # 4, and instead, instructed staff Moreno to apply wet towels to client # 4's
4 head and administer client # 4 Tylenol.

5 22. On or about August 17, 2007 and August 18, 2007, and for an unknown
6 period of time prior to these dates, Respondent Fitch failed to ensure that medications
7 were properly dispensed and failed to establish a plan for medical emergencies.

8 23. On or about August 17, 2007 and August 18, 2007, Respondent Fitch
9 failed or refused to be personally present in the facility to observe the physical condition
10 of client # 4 and to ensure that facility staff provided appropriate and prompt care to
11 client # 4.

12 24. On or about April 10, 2006, Respondents failed to ensure that staff
13 person Darlene Livingston received current first aid training.

14 SUBJECT MATTER: DAY STAFF – CLIENT RATIO; NEEDS AND SERVICE
15 PLAN; BUILDINGS AND GROUNDS; CLIENT MEDICAL
16 ASSESSMENT

17 APPLICABLE LAW: Health and Safety Code section 1550(a-c)
18 Regulation sections 80068.2, 80069, 80087, and 85065.5

19 ALLEGATIONS:

20 25. On or about November 7, 2007, Respondents failed to update the Needs
21 and Service plans for client # 5, client # 6, client # 7, and client # 8.

22 26. Respondents failed to correct, repair, remove, or replace items on the
23 buildings and grounds of the facility in that:

24 A. On or about November 7, 2007, the walls in rooms B1 and B2
25 required painting.

26 B. On or about November 7, 2007, the bathroom in rooms B1 and B2
27 had a hole in the ceiling.

- 1 C. On or about November 7, 2007, room C4 had a hole in the ceiling.
- 2 D. On or about November 7, 2007, the walls in rooms E2 and E3
- 3 required painting.
- 4 E. On or about November 7, 2007, the walls in bedroom F1 required
- 5 plaster.
- 6 F. On or about November 7, 2007, the walls in rooms G3 and G4
- 7 required painting.
- 8 G. On or about November 7, 2007, the carpet in room G3 was torn.
- 9 H. On or about November 7, 2007, the walls in bedrooms H2 and H3
- 10 required painting.
- 11 I. On or about November 7, 2007, there was an inoperative
- 12 refrigerator discarded on the exterior of the facility that posed a possible hazard.
- 13 27. On or about April 10, 2006, Respondents failed to remove discarded
- 14 furniture from the carport of the facility that posed a possible hazard.
- 15 28. On or about August 18, 2006, and for an unknown time prior to this date,
- 16 Respondents failed to have on duty in the facility the amount of staff required by San
- 17 Gabriel/Pomona Regional Center.
- 18 29. On or about October 20, 2006, Respondents failed to update the Needs
- 19 and Service plan for client # 9.
- 20 30. On or about April 10, 2006, Respondents failed to update the Needs and
- 21 Service plan for client # 10, client # 11, client # 12, and client # 13.
- 22 31. On or about April 10, 2006, Respondents failed to obtain a current TB
- 23 Test for client # 14.
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2 SUBJECT MATTER: CONDUCT INIMICAL

3 APPLICABLE LAW: Health and Safety Code sections 1550(c)

4 Regulation Sections 80042 and 85064.4

5 ALLEGATIONS:

6 32. Respondents engaged in conduct that is inimical to the health, morals,
7 welfare, or safety of either an individual in or receiving services from the facility, or the
8 people of the State of California as alleged in paragraphs 11 through 31, above, and
9 incorporated here by reference.

10 CAUSE FOR DISCIPLINE

11 33. The facts alleged in paragraphs 11 through 31, individually and/or jointly,
12 constitute violations of licensing laws. These facts provide cause, pursuant to Health
13 and Safety Code section 1550(a)-(b) to revoke Respondent Claremont's license to
14 operate the facility. These facts also provide cause, pursuant to Health and Safety
15 Code section 1550(a-c) and pursuant to Regulation 85064.4 to revoke Respondent
16 Fitch's administrator's certificate for adult residential facilities.

17 34. The facts alleged in paragraphs 11 through 31, individually and/or jointly,
18 constitute conduct by Respondents which is inimical to the health, morals, welfare, or
19 safety of either an individual in, or receiving services from, the facility or the people of
20 the State of California. These facts provide cause, pursuant to Health and Safety Code
21 section 1550(c), to revoke Respondent Claremont's license to operate the facility.
22 These facts also provide cause, pursuant to Health and Safety Code section 1550(c)
23 and pursuant to Regulation 85064.4 to revoke Respondent Fitch's administrator's
24 certificate for adult residential facilities.

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PETITION FOR RELIEF

35. WHEREFORE, complainant requests that Respondent CLAREMONT SHELTERED CARE CENTER, INC. license to operate an adult residential facility be revoked.

36. WHEREFORE, Complainant requests that Respondent DEBORAH JEAN FITCH administrator's certificate for adult residential facilities be revoked.

DATED: October 1, 2008


JO FREDERICK
Deputy Director
Community Care Licensing Division
California Department of Social Services

DELEGATION

1. I hereby delegate to Robert Pate, as Acting Chief of Technical Assistance and Policy Branch; Jeffrey Hiratsuka, as Chief of Central Operations Branch, Ben Partington, as Program Administrator of Senior Care Program, Gloria Merk, as Program Administrator of Child Care Program, Sergio Ramirez, as Acting Program Administrator of Children's Residential Program, JoAnn Hirai, as Chief of Investigations Branch and John Rodriguez, as Chief of Continuing Care Contracts Branch; my power to issue the following administrative pleadings under the Administrative Procedure Act, Government Code Section 11500 et seq.:
 - (a) Accusations and orders for temporary license suspension prior to hearing, pursuant to Health and Safety Code Sections 1550, 1550.5, 1568.082, 1569.50, 1569.51, 1569.885, or 1596.886.
 - (b) Statements of Issues pursuant to Health and Safety Code Sections 1526, 1568.063, 1569.22, or 1596.879.
 - (c) Orders to require that an employee or prospective employee of a facility not work or be present in a facility pending a final decision of the matter, pursuant to Health and Safety Code Sections 1558, 1568.066, 1569.58, or 1596.8897. They may exercise this power when, in their opinion, the action is necessary to protect the residents or clients from physical or mental abuse, abandonment, or any other substantial threat to the health or safety of the residents or clients.
2. These delegations are made pursuant to Government Code Section 7. They shall remain in effect until explicitly revoked.

DATE: 7-22-08



JOHN A. WAGNER
Director
California Department of Social Services